

WSR 17-02-006**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed December 22, 2016, 12:03 p.m.]

Subject of Possible Rule Making: Chapter 246-71 WAC, Medical marijuana authorization data base and chapter 246-72 WAC, Medical marijuana consultant certificate. The department is considering amendments to chapter 246-71 WAC regarding authorization forms, recognition cards, regulation of card fees, and other housekeeping. The department is also considering amendments to chapter 246-72 WAC regarding fees and a consultant's issuing of authorization cards, training and other housekeeping.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.51A.230 and 69.51A.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The first few months of operation have revealed policy issues affecting the authorization data base and consultant certification which need addressing. Rules may be needed for the department's administrative improvement of the authorization data base and consultant certification. Rules may further be needed to address potential conflicts of interest between marijuana producers, processors, and retailers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The liquor and cannabis board (LCB) has authority to license the medically endorsed marijuana retail stores with medical marijuana consultant certificate holders who can create cards for a patient and sell medical marijuana products. The department of health will continue its coordination with LCB for the regulatory implementation of chapter 69.51A RCW through regular meetings and other communications.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in participating in the rule process or receiving updates can contact the Washington state medical marijuana program through a listserv available at www.doh.wa.gov/medicalmarijuana; send a facsimile to (360) 236-2901; or by mail to the Medical Marijuana Program, P.O. Box 47852, Olympia WA 98504-7852; or by email medicalmarijuana@doh.wa.gov; or by phone (360) 236-4844.

December 22, 2016
John Wiesman, DrPH, MPH
Secretary

WSR 17-02-007**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed December 22, 2016, 12:30 p.m.]

Subject of Possible Rule Making: Chapter 246-805 WAC creating new rules sections to address continuing education requirements for certified behavior technicians, licensed behavior analysts and licensed assistant behavior analysts; creating a new section to address supervision of

licensed assistant behavior analysts; and new rules on additional topics as authorized in chapter 18.380 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.380 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 18.380 RCW directs the secretary to adopt rules necessary to implement a program for certified and licensed applied behavior analysis (ABA) professionals. Rules enhance and protect patient safety by setting enforceable competency standards for ABA professionals practicing in Washington. Draft rules have been developed setting initial education, training, and credentialing standards so that the department can begin issuing ABA credentials by July 1, 2017. The department is now considering rules to set continuing education requirements for the new professions and supervision requirements for licensed assistant behavior analysts.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will coordinate with health care authority and department of social and health services, division of behavioral health and recover [recovery]. These agencies will be included during the development of rules.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may request to receive notices of rule development workshops and other rule-making activities or send comments by contacting Brett Lorentson, Program Manager, Department of Health, ABA, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4611, fax (360) 236-2901, email brett.lorentson@doh.wa.gov.

December 22, 2016
John Wiesman, DrPH, MPH
Secretary

WSR 17-02-010**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 16-13—Filed December 22, 2016, 2:00 p.m.]

Subject of Possible Rule Making: This rule making will amend chapter 173-321 WAC, Public participation grants. The rule establishes eligibility requirements and funding criteria for grants authorized by chapter 70.105D RCW, Model Toxics Control Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.105D RCW, Model Toxics Control Act, including RCW 70.105D.070 funding the public participation grants program and RCW 70.105D.070(8) authorizing the department to adopt rules for grant issuance and performance.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As directed under chapter 70.105D RCW, ecology has the authority to administer a program for grants to "persons who may be adversely affected by a release or threatened release of a hazardous substance and

not-for-profit public interest groups." Grants are used to "facilitate public participation in the investigation and remediation of a release or threatened release of a hazardous substance and to implement the state's solid and hazardous waste management priorities."

In 2016, ecology obtained an independent audit of our public participation grants program. The current process requires a significant amount of time and agency resources to establish applicant eligibility and award the grants. Changes ecology is considering are either specific audit recommendations or based on the agency's experiences implementing the program. Clarifying applicant eligibility, establishing priorities, updating and making application evaluation criteria more visible will result in a more streamlined process.

Ecology will also investigate the best approach to incorporating environmental justice as a criterion for grant awards. This may result in updated rule language.

Updating the rule now will allow us to apply these changes to grants awarded in the 2017-19 biennium.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies implement this grant program. WAC 173-321-030 addresses the relationship to other legislation and administrative rules: "(1) The organization receiving a grant shall comply fully with all applicable federal, state, and local laws, orders, regulations, and permits. (2) Nothing in this chapter shall influence, affect or modify existing department programs, regulations, or enforcement of applicable laws relating to solid and hazardous waste management and cleanup. (3) All grants shall be subject to the existing, applicable accounting and auditing requirements of state laws and regulations ..."

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can stay informed about the rule making and public involvement opportunities as described below. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

1. Visit the agency web page at <http://www.ecy.wa.gov/programs/swfa/rules/wac173321/1613ov.html>.

2. Sign up to receive email notices at <https://listserv.wa.gov/cgi-bin/wa?A0=ECY-PUBLIC-PARTICIPATION-GRANTS>.

3. Contact Lynn Gooding, Department of Ecology, Waste 2 Resources, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6062, email lynn.gooding@ecy.wa.gov.

December 22, 2016
Laurie G. Davies
Waste 2 Resources
Program Manager

WSR 17-02-012

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed December 23, 2016, 9:37 a.m.]

Subject of Possible Rule Making: Health and safety regulations, WAC 504-36-030 Spectator events—Safety rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The university is updating the safety rules for spectator events.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah L. Bartlett, Director, Office of Procedures, Records, and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and email prf.forms@wsu.edu.

A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

December 23, 2016
D. Bartlett, Director
Procedures, Records, and Forms
and University Rules Coordinator

WSR 17-02-017

PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed December 27, 2016, 2:26 p.m.]

Subject of Possible Rule Making: Amending chapter 172-108 WAC, Eastern Washington University adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are necessary to comply with recent state appellate court case *Arishi v. Washington State University*, indicating that we must offer a full adjudicative hearing if a sanction could lead to suspension, expulsion or if charges were filed for felony level sexual misconduct.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chelsea Lamberson, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, and email clamberson@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

December 27, 2016
Chelsea Lamberson
University Policy Administrator

Maggie A. Leland
Rules Coordinator

WSR 17-02-018
PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY

[Filed December 27, 2016, 2:27 p.m.]

Subject of Possible Rule Making: Amending chapter 172-90 WAC, Eastern Washington University student academic integrity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are necessary to comply with recent state appellate court case *Arishi v. Washington State University*, indicating that we must offer a full adjudicative hearing if a sanction could lead to suspension, expulsion or if charges were filed for felony level sexual misconduct.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chelsea Lamberson, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, and email clamberson@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

December 27, 2016
Chelsea Lamberson
University Policy Administrator

WSR 17-02-022
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 27, 2016, 4:23 p.m.]

The department of labor and industries (L&I) is withdrawing the preproposal statement of inquiry for rule making to clarify the department's rules and policies around payment of "temporary partial disability," also known as loss of earning power under chapters 296-14 and 296-20 WAC, WSR 13-02-092 which was filed on January 2, 2013. L&I has decided to postpone this specific rule-making effort and will file another preproposal statement of inquiry, CR-101, when appropriate.

If you have any questions, please contact Maggie Leland, rules coordinator at (360) 902-4504.

WSR 17-02-023
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed December 28, 2016, 7:39 a.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 15-15-026, filed on July 7, 2015.

Contact Douglas L. Moore if you have any questions.

Douglas L. Moore
Executive Secretary

WSR 17-02-024
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed December 28, 2016, 7:39 a.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 16-17-025, filed on August 8, 2016.

Contact Douglas L. Moore if you have any questions.

Douglas L. Moore
Executive Secretary

WSR 17-02-025
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed December 28, 2016, 7:55 a.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 16-19-054, filed on September 16, 2016.

Contact Douglas L. Moore if you have any questions.

Douglas L. Moore
Executive Secretary

WSR 17-02-034
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed December 28, 2016, 2:15 p.m.]

The children's administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 08-05-045 on February 13, 2008 (chapter 388-27 WAC) regarding guardianship subsidies.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-02-037
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed December 28, 2016, 2:51 p.m.]

The children's administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 06-06-073 on February 28, 2006 (chapter 388-60 WAC) regarding the domestic violence prevention account.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-02-035
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed December 28, 2016, 2:31 p.m.]

The children's administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 09-10-076 on May 5, 2009 (WAC 388-15-013) regarding child protective services.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-02-036
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed December 28, 2016, 2:42 p.m.]

The children's administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 08-05-043 on February 13, 2008 (WAC 388-32-0020, 388-32-0025, and 388-32-0030) regarding family reconciliation services.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-02-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Chiropractic Quality Assurance Commission)
 [Filed December 29, 2016, 9:47 a.m.]

Subject of Possible Rule Making: WAC 246-808-020 Colleges—Policies, 246-808-030 Accreditation of colleges—Procedure, 246-808-040 Colleges—Educational standards required for accreditation, and 246-808-XXX Early remediation. The chiropractic quality assurance commission (commission) is considering revisions to update existing rules and create new rules to establish an early remediation program for certain allegations of practice deficiencies of a less serious nature than those requiring formal discipline.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.25.002, 18.25.0171, 18.25.025, and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The creation of early remediation rules may be necessary as another avenue to correct allegations of practice deficiencies of a less serious nature than those requiring formal discipline, and to maintain patient safety. It would enable providing options for cases that may otherwise be closed, and may include offering relevant training to address the issue and minimize recurrence. The commission also proposes to update the three rules (WAC 246-808-020, 246-808-030, and 246-808-040) that address chiropractic college policies, accreditation, and educational standards to align with current laws and practice standards, and to clarify the commission's accreditation and recognition process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. If you have questions regarding this proposal, contact Leann Yount, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4856, or email leann.yount@doh.wa.gov. All rule-making notices will be

emailed to the commission's interested parties list (listserv) and appropriate state associations. Rule drafting will take place in open public meetings where comments will be accepted verbally and in writing.

December 22, 2016
Leann Yount
Program Manager

WSR 17-02-049
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed December 29, 2016, 2:08 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 10-19-134 on September 22, 2010 (Title 388 WAC) regarding sign language interpreters.

Katherine I. Vasquez
Rules Coordinator

WSR 17-02-063
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD
[Filed January 3, 2017, 10:53 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers, administrators and education staff associates for obtaining, retaining and renewing their certificate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

January 3, 2017
David Brenna
Senior Policy Analyst

WSR 17-02-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 3, 2017, 11:26 a.m.]

Subject of Possible Rule Making: Chapter 296-45 WAC, Electric power generation, transmission, and distribution; and chapter 296-307 WAC, Safety standards for agriculture, eRules Phase 10.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When the agency updated its web site, template division of occupational safety and health (DOSH) rules in HTML were broken and DOSH began forwarding rule users to the office of the code reviser web site, causing more confusion among customers. This rule package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules. This preproposal will accomplish the following:

- No requirements are changing because of this preproposal.
- Consistent format for all DOSH safety and health rules.
- Ability to use the DOSH web site for safety and health rules.
- Easy to access rules for smart phone and tablet users.
- Bookmarks in the rules allow easy navigation in PDF files.
- Bullets and dashes are removed and replaced with numbers and letters for easier referencing.
- Enhances rule update efficiency for customers by allowing for faster updates through electronic postings.

In addition, during the recent rule making for chapter 296-45 WAC (adopted May 3, 2016), an error was made relating to hard hats. DOSH and the small subcommittee did not intend to change the hard hat requirement, but the changed language was not caught during subsequent reviews. Therefore, the department will be proposing to delete the words "Type II" from WAC 296-45-25505.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josefina Magana, Administrative Regulations Analyst, Department of Labor and Industries, DOSH, P.O. Box 44600, Olympia, WA 98504, phone (360) 902-4233, email magk235@lni.wa.gov.

January 3, 2017
Joel Sacks
Director

WSR 17-02-075
PREPROPOSAL STATEMENT OF INQUIRY
RECREATION AND CONSERVATION
OFFICE

(Recreation and Conservation Funding Board)

[Filed January 3, 2017, 3:51 p.m.]

Subject of Possible Rule Making: The recreation and conservation funding board will consider amendments to Title 286 WAC to clarify grant program requirements and consolidate sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The reason for this proposal is to clarify grant program requirements. The amendments will add definitions and requirements for "project area." The amendments will also consolidate grant program related chapters into one new section that applies to any grant program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate grant funding programs administered by the board and office.

Process for Developing New Rule: The recreation and conservation funding board will follow the standard process for the adoption of rules under the Administrative Procedure Act, chapter 34.05 RCW.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Connelly, Rules Coordinator, Recreation and Conservation Office, 1111 Washington Street S.E., P.O. Box 40917, Olympia, WA 98504-0917, office (360) 902-3080, fax (360) 902-3026, leslie.connelly@rco.wa.gov.

January 3, 2017
 Leslie Connelly
 Rules Coordinator
 Natural Resource
 Policy Specialist

WSR 17-02-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 4, 2017, 8:45 a.m.]

Subject of Possible Rule Making: Changes to Washington department of fish and wildlife's (WDFW) coastal commercial salmon fishing rules, resulting from North of Falcon recommendations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Coastal commercial salmon

fishing rules are based on North of Falcon recommendations that change from year to year to reflect resource availability and to achieve conservation goals. Amendments to coastal commercial salmon fishing rules are needed to implement the agree-upon [agreed-upon] changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kirt Hughes, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2705, fax (360) 902-2158, email Kirt.Hughes@dfw.wa.gov. Contact by April 11, 2017. Expected proposal filing on or after April 19, 2017.

January 3, 2017
 Scott Bird
 Rules Coordinator

WSR 17-02-080
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed January 4, 2017, 9:14 a.m.]

Subject of Possible Rule Making: Chapter 363-116 WAC, Pilotage rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is undergoing a complete review of chapter 363-116 WAC, Pilotage rules, in order to create or amend language that will be more concise, clear and current.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The board will be considering amendments to these rules and will be discussing them in regular session board meetings. Stakeholder comments are welcome. Upon further review and consideration of recommended revisions, public hearings will be scheduled to consider the proposed new rules pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Executive Director, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

January 4, 2017
 Peggy Larson
 Executive Director

WSR 17-02-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 4, 2017, 9:43 a.m.]

Subject of Possible Rule Making: Chapter 296-128 WAC, Minimum wages; chapter 296-131 WAC, Agriculture employment standards; and chapter 296-126 WAC, Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Initiative Measure 1433, chapters 49.46, 49.12 RCW, and RCW 43.22.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will consider rules related to the Minimum Wage Act, chapter 49.46 RCW, and the implementation of Initiative 1433, An Act Related to Fair Labor Standards. Initiative 1433 passed on November 8, 2016, and requires, in part, employers provide paid sick leave to employees starting in 2018. Initiative 1433 directs the department to adopt and implement rules to carry out and enforce the act, including but not limited to, procedures for notification to employees and reporting regarding sick leave, and protecting employees from retaliation for the lawful use of sick leave and exercising other rights under Initiative 1433 and chapter 49.46 RCW. The department's rules for enforcement of rights provided in Initiative 1433 must be at least equal to enforcement of the minimum wage.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates sick leave. The United States Department of Labor (USDOL) administers the federal Fair Labor Standards Act and regulates federal minimum wage and overtime requirements. Any coordination needed will be done by the department through review of USDOL regulations and guidance.

Process for Developing New Rule: The department will develop the rule language with input from interested parties. For more information on this rule making, visit L&I's laws and rules web site at <http://www.lni.wa.gov/LawRule/> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, Department of Labor and Industries, Fraud Prevention and Labor Standards Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6272, fax (360) 902-5292, email Beverly.Clark@Lni.wa.gov.

January 4, 2017
Joel Sacks
Director